

REMARKS

Claim 1 is amended, and claim 14 is added; as a result, claims 1-14 are now pending in this application.

Claim Rejections under 35 U.S.C. §102

Claims 1, 3-5, 8 and 10 were rejected under 35 U.S.C. §102(b) as being anticipated by Hershey, U.S. Pat. No. 5,867,963. Applicant respectfully traverses.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, "[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

The Office Action states that "Hershey discloses . . . each said branch of the connector members being formed of at least two planks having contiguous sides adhesively joined to one another (column 4, lines 38-44), the connector members defining a series of triangular openings in the web structure (figure 7) . . ." However, column 4, lines 38-44 of Hershey refer to web section 50 being formed of multi-layer plywood, which section can be a single web as shown in FIGS. 1-3, or in some cases a double web section, i.e., 2 pieces of plywood. Web section 50 of Hershey does not form an openwork web structure. See Fig. 2 of Hershey. Accordingly, web section 50 is not readable on any part of the openwork web structure as recited in claim 1. As a result the Office Action indicated where all of the features of the claim 1 are found and arranged in Hershey. Applicant requests that the anticipation rejection of claims 1, 3-5, 8 and 10 be withdrawn.

Claim Rejections under 35 U.S.C. §103

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hershey in

view of Schmidt, U.S. Pat. No. 3,651,612. Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hershey in view of Koo, U.S. Pat. No. 5,592,880. Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hershey in view of Schmidt and Koo. Claims 9 and 11-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hershey. Applicant respectfully traverses. These claims depend at least in part on claim 1. Applicant can not find where these additional documents teach the features recited in the claims that are not found in the principal applied document, Hershey. Accordingly, these dependent claims are believed to be allowable with claim 1. Withdrawal of the §103 rejections is requested.

Moreover, claim 2 is believed to be distinguishable over Hershey and Schmidt. The Office Action admits that Hershey does not disclose a series of vertical planks having upper and lower sides joined to upper and lower chords. The Office Action states that Schmidt teaches planks formed of a series of elongated vertical planks (15, 21) secured edgewise joined to upper (17) and lower (19) chords. Applicant can not find where Schmidt discloses a laminate panel as recited in claim 2. Moreover, applicant can not find where Schmidt discloses a laminated panel being formed of a series of elongated vertical planks secured edgewise to one another. In fact, it appears that Schmidt teaches away from vertical planks secured together edgewise at column 2, lines 51-64. For example, Schmidt describes its end members 15 are so formed that the two strips making the double thickness are relatively movable to the extent that they are not fastened face-to-face but are fastened only on their vertical edges by means of plates. Schmidt continues, in part, thus, the double thickness members are not secured together except at their ends. Applicant requests withdrawal of the §103 rejection of claim 2 as Hershey and Schmidt do not teach all of the features of claim 2 and Schmidt teaches away from the claim 2.

With regard to claims 9 and 11-13, the Office Action makes numerous assertions as to what would be obvious to one of skill in the art. Applicant traverse. Applicant respectfully submits that the numerous assertions of what would be "obvious to one of ordinary skill in the art at the time the invention was made" failed to provide the recited subject matter of the rejected claims. Traversal and, references or an affidavit from the examiner pursuant to MPEP 2144.03 are respectfully requested.

AMENDMENT AND RESPONSE

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Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-349-9587) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

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8 Jun 2002

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 8th day of January, 2003.

PATRICIA A. HULTMAN

Name


Signature